

**THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In Re:) Case No. 21-42207-ess
Sid Boys, Corp. d/b/a Kellogg's Diner,) Chapter 11
Debtor.) Hon. Elizabeth S. Stong

**NOTICE OF DEBTOR'S MOTION TO EXTEND TO SEPTEMBER 22, 2022
THE DEADLINE TO CONFIRM PLAN OF REORGANIZATION
PURSUANT TO 11 U.S.C. § 1129(e) AND § 1121(e)(3)**

PLEASE TAKE NOTICE that, a hearing to consider the above-captioned Debtor's motion pursuant to 11 U.S.C. § 1129(e) and § 1121(e)(3) the deadline to confirm its Plan of Reorganization, has been scheduled for July 28, 2022 at 2:00 p.m. (Eastern Time), before the Honorable Elizabeth S. Stong, in the Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza, Brooklyn, NY 11201, Courtroom 3585, or as soon thereafter as counsel can be heard. The hearing shall be conducted remotely by telephone and the Dial-in instructions are as follows: Telephone: 888- 808-6929; Access Code: 852 3285.

PLEASE TAKE FURTHER NOTICE that objections to the relief requested in the instant motion, if any, must be in writing and must state with particularity the grounds of the objection. The objection must be filed with the Clerk of the Bankruptcy Court electronically at www.nycb.uscourts.gov, and a copy of the objection shall be served upon 1) the undersigned counsel for the Debtor; 2) counsel to 518 Metropolitan Avenue Corp., Cullen and Dykman LLP, 100 Quentin Roosevelt Boulevard, Garden City, New York 11530, Attn: Thomas R. Slome, Esq. and Amanda A. Tersigni, Esq.; 3) the Office of the United States Trustee for the Eastern District of New York (Brooklyn Office), U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014; and 4) all parties who have filed a notice of appearance and request for

service of documents, so as to be actually received no later than seven (7) days before the hearing date, namely, by 4:00 p.m. on July 21, 2022.

Dated: July 7, 2022.

/s/ Alanna G. Morgan

Counsel for Sid Boys Corp

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CERTIFICATE OF SERVICE

I, Keevan D. Morgan, an attorney, caused a copy of this Notice and the above described Motion to be served upon the below addresses by mail on July 7, 2022.

By: /s Keevan D. Morgan

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SERVICE LIST

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Unemployment Insurance Division
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EASTERN DISTRICT OF NEW YORK**

In Re:)
Sid Boys, Corp. d/b/a Kellogg's Diner,) Case No. 21-42207-ess
) Chapter 11
Debtor.) Hon. Elizabeth S. Stong

**MOTION TO EXTEND THE DEADLINE TO SEPTEMBER 22, 2022 TO CONFIRM
PLAN OF REORGANIZATION PURSUANT TO 11 U.S.C. § 1129(e) AND § 1121(e)(3)**

Now comes the Debtor, Sid Boys, Corp. d/b/a/ Kellogg's Diner (the "Diner" or "Debtor"), by and through its counsel, Keevan D. Morgan and Alanna G. Morgan of Morgan & Bley, Ltd., (together, "M&B") and Rachel L. Kaylie of the Law Offices of Rachel L. Kaylie, P.C., and for its Motion To Extend The Deadline To September 22, 2022 To Confirm Plan Of Reorganization Pursuant To 11 U.S.C. § 119(e) and § 1121(e)(3), hereby states as follows:

1. On June 24, 2022, the Debtor timely filed its Plan of Reorganization and Disclosure Statement.

2. 11 U.S.C. § 1129(e) provides:

In a small business case, the court shall confirm a plan that complies with the applicable provisions of this title and that is filed in accordance with section 1121(e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121(e)(3).

3. Pursuant to 11 U.S.C. § 1129(e), the deadline to confirm the Debtor's Plan of Reorganization is 45 days from filing, August 8, 2022.

4. On July 5, 2022, the parties appeared before the Court on various matters.

5. The Debtor had recently retained additional counsel, M&B, to appear in the above-captioned Chapter 11 Bankruptcy (the "Bankruptcy"). M&B's Application for Employment was approved at the July 5, 2022 hearing.

6. Prior to the hearing, the Debtor, through counsel, conferred with its largest creditors, 514 Fioto Property Corp. and 518 Metropolitan Avenue Corp. (together, the “Landlord Creditors”) regarding the filed Plan of Reorganization.

7. Both parties agreed on the record that the conference was productive and that additional time for the parties to attempt to resolve any outstanding issues in the Bankruptcy generally and regarding the Debtor’s proposed Plan of Reorganization would be beneficial.

8. At the July 5, 2022 hearing, the parties appearing discussed an additional 45 day extension of the deadline to confirm a Plan of Reorganization, to and until September 22, 2022.

9. Pursuant to the Stipulation attached hereto as Exhibit 1, the Landlord Creditors and other creditors¹ do not object to the Debtor’s request for an extension of the deadline and waive any future objection to the Debtor’s present request for an extension to September 22, 2022.

10. 11 U.S.C. § 1121(e)(3) provides:

In a small business case – ***

(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e) within which the plan shall be confirmed, may be extended only if—

(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

(B) a new deadline is imposed at the time the extension is granted; and

(C) the order extending time is signed before the existing deadline has expired.

¹ Such creditors include Rivkin Radler LLP and the plaintiffs of a currently pending federal action against the Debtor and its principals, Case No. 18-cv-8583.

11. Counsel for the stated parties have also agreed that if the Court make the foregoing findings, they will not constitute findings to be used to grant or deny any future request for an extension, which would be judged on its own merits.

12. The Debtor has been working diligently to present a feasible plan of reorganization and to work cooperatively with its creditors to reach a consensual plan of reorganization. It is more likely than not that the Court will confirm the Debtor's plan of reorganization within a reasonable period of time.

13. The present deadline to confirm the Debtor's plan of reorganization has not expired and will not have expired prior to the July 28, 2022 hearing date on which the Debtor's present motion will be heard.

Wherefore, the Debtor prays that pursuant to 11 U.S.C. § 1121(e)(3), the Court enter an order extending the deadline to and until September 22, 2022, to confirm a plan of reorganization, and for all such other and further relief in the Debtor's favor as is fair and just.

Sid Boys Corp.

By: /s/Alanna G. Morgan
One of its Attorneys

/s/ Rachel L. Kaylie
One of its Attorneys

Counsel for Sid Boys Corp

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